

May 20, 2024

Via ECF

The Honorable Katherine Polk Failla, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Securities and Exchange Commission v. Coinbase, Inc. et al.*,
23 Civ. 4738 (KPF)

Dear Judge Failla:

Plaintiff Securities and Exchange Commission (“SEC”) and defendants Coinbase, Inc. and Coinbase Global, Inc. (together, “Coinbase”), respectfully submit this joint letter and the enclosed Stipulation and Proposed Protective Order and Stipulation and Proposed Fed. R. Evid. 502(d) Order.

The parties met and conferred regarding these proposed orders and were able to agree on all but one provision in each order, as specified below:

Proposed Protective Order. With respect to Section G/Paragraph 22, which addresses the SEC’s ability to disclose Confidential Material received in this litigation, the parties have set forth their respective positions in the enclosed Stipulation and Proposed Protective Order.

Proposed Fed. R. Evid. 502(d) Order. With respect to Section 2(b)-(c), which addresses the form of a log to be furnished by each party for documents withheld in their entirety on the basis of privilege or comparable protection, the parties have set forth their respective positions in the enclosed Stipulation and Proposed Fed. R. Evid. 502(d) Order.

Respectfully submitted,



Patrick R. Costello
Counsel for Plaintiff



Kevin S. Schwartz
Counsel for Defendants

Cc: All counsel of record (via ECF)

The Court is in receipt of the parties' Stipulation and Proposed Protective Order, as well as the Stipulation and Proposed Fed. R. Evid. 502(d) Order. (See Dkt. #126).

The parties shall re-submit the orders to conform with the following:

- With respect to the Protective Order, Section G/Paragraph 22 shall adopt the SEC's proposed language.
- With respect to the Fed. R. Evid. 502(d) Order, Section 2(b)-(c) shall adopt Coinbase's proposed language with the addition of field "iv." of the SEC's proposed language, stating "Privilege asserted or other reason for withholding or not producing the document."

Dated: May 22, 2024

SO ORDERED.

New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE